

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document # 13

Suce

USCA NO. _____

SDNY NO. 07cv8463

JUDGE: VM

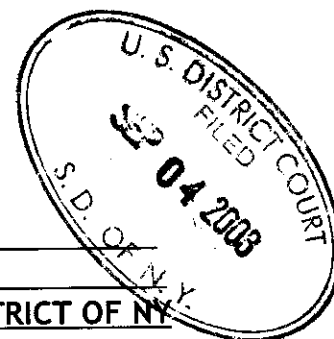
DATE: 9/3/2008

-v-

Taylor et al

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) Nezam D.
FIRM APPEALS SECTION
ADDRESS UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NY
500 PEARL STREET, NEW YORK, NEW YORK 10007
PHONE NO. (212) 805-0636



DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A
for the Second Circuit on the 3rd Day of September, 2008.

**United States District Court for
the Southern District of New York**

Luciano Sauce

-v-

Taylor et al

Date: 9/3/2008
U.S.C.A. # _____

U.S.D.C. # 07cv8463

D.C. JUDGE VM

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 12, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 3rd Day of September In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233rd year.

J. Michael McMahon, Clerk

By 
Deputy Clerk

APPEAL, CLOSED, HABEAS, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-08463-VM
Internal Use Only

Suce v. Taylor et al
 Assigned to: Judge Victor Marrero
 Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 10/01/2007
 Date Terminated: 07/31/2008
 Jury Demand: None
 Nature of Suit: 530 Habeas Corpus (General)
 Jurisdiction: Federal Question

Date Filed	#	Docket Text
10/01/2007	1	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2254. Document filed by Luciano Suce.(jeh) (Entered: 10/03/2007)
10/01/2007		Magistrate Judge Frank Maas is so designated. (jeh) (Entered: 10/03/2007)
01/24/2008	2	ORDER: that the Government file a response to the petition by no later than 3/17/08. Petitioner's reply to the Government's response shall be due by no later than 5/16/08. The Clerk of Court shall serve copies of this Order and of the petition by certified mail upon the petitioner and the respondent. (Signed by Judge Victor Marrero on 1/24/08) (tro) (Entered: 01/24/2008)
01/25/2008	3	ORDER due to containing an incorrect citation, the Court's order issued on January 24, 2008 be vacated. The Clerk of Court shall serve a copy of this Order and Petition, by certified mail, upon the respondent, and shall also send a copy of this Order, by certified mail, upon Luciano Suce. The Government shall file a response to the petition by no later than March 17, 2008. The petitioner shall reply to the Government's response by no later than May 16, 2008. (Signed by Judge Victor Marrero on 1/25/2008) (tve) (Entered: 01/28/2008)
01/28/2008		Mailed a copy of 3 Order to Answer, to Luciano Suce by Certified Mail # 7002 0860 0002 8332 1459 with Return Receipt Requested. (tve) (Entered: 01/28/2008)
01/28/2008		Mailed a copy of 1 Petition for Writ of Habeas Corpus, 3 Order to Answer, to the Attorney General of the State of New York by Certified Mail # 7002 0860 0002 8332 1466 with Return Receipt Requested. (tve) (Entered: 01/28/2008)
01/31/2008		Received Return Receipt of 3 Order to Answer, as to Luciano Suce, which was served by Certified Mail # 7002 0860 0002 8332 1459, on 1/31/2008. (tve) (Entered: 02/14/2008)
02/01/2008		Received Return Receipt of 3 Order to Answer, 1 Petition by Certified Mail as to Attorney General State of New York, which was served by Certified Mail # 7002 0860 0002 8332 1466, on 1/30/07. (ama) Modified on 2/5/2008 (ama). (Entered: 02/04/2008)
03/13/2008	4	ENDORSED LETTER addressed to Judge Victor Marrero from Lisa Fleischmann dated 3/14/08 re: Counsel for respondent requests an extension of time within which to file a response to the petition, from march 17th to May 16th. ENDORSEMENT: Request GRANTED. The time for respondent to respond or otherwise move with respect to the petition in this action is extended to 5/16/08. So Ordered. (Signed by Judge Victor Marrero on 3/14/08) (js) (Entered: 03/14/2008)
05/12/2008	5	ENDORSED LETTER addressed to Judge Victor Marrero from Luciano Suce dated 5/5/08 re: Petitioner writes to request an extra month extension until 6/16/08 to reply to the Government's response. ENDORSEMENT: Request GRANTED. The time for petitioner herein to reply to respondent's opposition is extended to 30 days from the date the opposition is served on petitioner. (Signed by Judge Victor Marrero on 5/12/2008) (tve) (Entered: 05/12/2008)
05/16/2008	6	MEMORANDUM OF LAW in Opposition re: 1 Petition for Writ of Habeas Corpus. Document filed by Justin A. Taylor, New York State Division of Parole, Warren D. Barkley, Supt. (pl) (Entered: 05/16/2008)
05/16/2008	7	DECLARATION of Lisa Fleischmann in Opposition re: 1 Petition for Writ of Habeas Corpus. Document filed by Justin A. Taylor, New York State Division of Parole, Warren D. Barkley, Supt.. (pl) (Entered: 05/16/2008)
06/09/2008	8	REPLY TO RESPONDENTS' OPPOSITION AND MEMORANDUM OF LAW TO THE PETITION FOR A WRIT OF HABEAS CORPUS. Document filed by Luciano Suce. (pl) (Entered: 06/11/2008)
07/31/2008	9	ORDER denying re: 1 Petition for Writ of Habeas Corpus filed by Luciano Suce. The Clerk of the Court is directed to close this case. (Signed by Judge Victor Marrero on 7/31/08) (cd) (Entered: 07/31/2008)
07/31/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 9 Order, to the Judgments and Orders Clerk. (cd) (Entered: 07/31/2008)
07/31/2008	10	CLERK'S JUDGMENT That for the reasons stated in the Court's Order dated July 31, 2008, the petition for a writ of habeas corpus is denied; accordingly, the case closed. (Signed by J. Michael McMahon, clerk on 7/31/08) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 07/31/2008)
07/31/2008		Mailed notice of Right to Appeal to Pro Se Litigant(s): Luciano Suce. (ama) (Entered: 08/01/2008)
08/04/2008	11	DECISION AND ORDER: that the petition (Docket No. 1) of petitioner Luciano Suce for a writ of habeas corpus is DENIED. As Suce has not made a substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. The Clerk of the Court is directed to withdraw all pending motions and to close this case. SO ORDERED. (Signed by Judge Victor Marrero on 8/1/2008) (tve) (Entered: 08/04/2008)
08/18/2008	12	NOTICE OF APPEAL from 11 Order, 10 Clerk's Judgment, 9 Order. Document filed by Luciano Suce. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 09/02/2008)
08/18/2008		Appeal Remark as to 12 Notice of Appeal filed by Luciano Suce. \$455.00 APPEAL FEE DUE. COA DENIED 8/1/08. (tp) (Entered: 09/02/2008)
09/02/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 12 Notice of Appeal. (tp) (Entered: 09/02/2008)

09/02/2008	Transmission of Notice of Appeal to the District Judge re: 12 Notice of Appeal. (tp) (Entered: 09/02/2008)
------------	--